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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/620,165	07/20/2000	Balbir Singh	JJM-550	3391

7590 02/06/2003

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EXAMINER

TAWFIK, SAMEH

ART UNIT

PAPER NUMBER

3721

DATE MAILED: 02/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/620,165	SINGH, BALBIR	
	<b>Examiner</b>	<b>Art Unit</b>	
	Sameh H. Tawfik	3721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 21 January 2003.

2a) This action is **FINAL**.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-25 is/are pending in the application.

4a) Of the above claim(s) 17-25 is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-16 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

15) <input type="checkbox"/> Notice of References Cited (PTO-892)	18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
16) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
17) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____	20) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

(claim 1, line 4) “folding said material by gravity” is vague, indefinite, and/or confusingly worded because it is not clear what applicant is referring to by “gravity”; etc.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-4 and 10-13 are rejected under 35 U.S.C. 102(a) as being anticipated by Stivani (Germen Patent 199 05 520).

Stivani discloses a folding device comprising a primary roller (via 11) for receiving a material (4) to be folded; a primary disk (via 10) in communication with the roller for creasing and folding the material “by gravity” as the material travels from the roller to the disk (Fig. 1); the primary roller and the primary disk are both free spinning (Fig. 1; note that the web been bulled by other rollers via 29, 27, and 22 which cause a spinning of the roller 11 and disk 10).

Regarding claims 2 and 11: the primary roller (11) further comprises a notch (Fig. 1).

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Regarding claims 3, 4, and 12: the primary disk is biased to be in contact with the notch and the disk is normal to the primary roller (Fig. 1).

Regarding claim 13: the disk (10) is normal to the primary roller (11).

Regarding claims 10: a feeding roller (via 29) a pair of fold rollers (via 27).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-9 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stivani (Germen Patent 199 05 520).

Stivani does not clearly discloses that the primary roller is a drive roller and the primary disk is free spinning disk nor the primary disk is a drive disk and the roller is a free spinning roller nor the feed roller is a drive roller. However, it would have been an obvious matter of design choice to have modified Stivani's folding device by having the primary roller is a drive roller and the primary disk is free spinning disk and/or the primary disk is a drive disk and the roller is a free spinning roller and/or the feed roller is a drive roller, since the examiner takes an official notice that the mentioned driving means in either the disk or the roller is old, well known, and available in the art.

Regarding claim 7: the primary roller further comprises a notch (via blade portion 20 on 10).

Regarding claims 8 and 9: Palmer discloses the primary disk is biased to be in contact with the notch and the disk is normal to the primary roller (Fig. 2).

*Response to Arguments*

Applicant's arguments filed 1/21/2003 have been fully considered but they are not persuasive.

Applicant argue in page 2 of the arguments that applicant has claimed is merely what is depicted in the drawings, namely that the folding of the material in applicant's invention occurs when the material drapes over the disk and such draping occurs by gravity, in contrast to Stivani's reference wherein folding is accomplished by taut drawing of a material between a roll and disk. The examiner believes that the limitation "gravity" is broad and it is not describing the invention, the examiner also believes that Stivani's reference discloses the web effected by "gravity" while being folded between the roll and the disk, note that anything on earth got effected by "gravity".

Applicant further argue in page 3 of the arguments that Stivani's reference does not disclose folding "by gravity". The examiner believes that Stivani's reference disclose folding "by gravity" the web being folded by the roll and disk in effect "by gravity" since all the items and elements in earth effected by "gravity".

Applicant also argue in page 3 of the arguments that Stivani's reference can not render applicant's invention obvious. The examiner still believes that it is only a matter of engineering design choice and it would have been an obvious matter of design choice to have modified Stivani's folding device by having the primary roller is a drive roller and the primary disk is free spinning disk and/or the primary disk is a drive disk and the roller is a free spinning roller and/or

the feed roller is a drive roller, since the examiner takes an official notice that the mentioned driving means in either the disk or the roller is old, well known, and available in the art and since Stivani discloses all the claimed elements.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sameh H. Tawfik whose telephone number is (703) 308-2809. The examiner can normally be reached on Monday - Friday from 8:00 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rada, Rinaldi can be reached on (703) 308-2187. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3579 for regular communications and (703) 308-7769 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

ST  
February 5, 2003

*Eugene Kim*  
EUGENE KIM  
PRIMARY EXAMINER